

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

In re:) Bankruptcy Case No. 19-30430
)
RODNEY ALLEN PINCKNEY,) Chapter 7
)
Debtor.) **(Hearing Scheduled)**

**NOTICE OF HEARING ON TRUSTEE'S OBJECTION TO EXEMPTIONS AND
MOTION FOR TURNOVER**

TAKE NOTICE that the Trustee has filed Trustee's Objection to Exemptions and Motion for Turnover. A copy of the motion is attached.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant relief sought in the motion or objection, or if you want the court to consider your views on the matter, then on or before **November 29, 2019**, you or your attorney must:

1. File with the court a written request for a hearing or, if the court requires a written response, file an answer, explaining your position with the Clerk, U. S. Bankruptcy Court, 401 W. Trade Street, Room 111, Charlotte, NC 28202.

If you mail your request or response to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

2. On or before the date stated above for written responses, you must also mail or fax a copy of your written request to:

Heather W. Culp, Essex Richards, P.A., 1701 South Blvd., Charlotte, NC 28203

U.S. Bankruptcy Administrator, 402 W. Trade St., Suite 200, Charlotte, NC 28202-1669

3. Attend hearing scheduled to be held on **December 9, 2019, at 9:30 a.m.** at the United States Bankruptcy Court, Charles Jonas Federal Building, 401 W. Trade Street, Charlotte, NC 28202.

Take other steps required to oppose a motion or objection under local rule or court order.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

This the 14th of November, 2019.



Heather W. Culp
N.C. Bar No. 30386
Trustee/Attorney for Trustee
Essex Richards, P.A.
1701 South Boulevard
Charlotte, NC 28203
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Facsimile: (704) 372-1357
E-mail: hculp@essexrichards.com

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In re:) Bankruptcy Case No. 19-30430
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TRUSTEE'S OBJECTION TO EXEMPTIONS AND MOTION FOR TURNOVER

Heather W. Culp, Trustee objects to the Debtor's exemptions and shows the following in support:

1. This case was converted from one under Chapter 13 of the Bankruptcy Code to one under Chapter 7 of the Bankruptcy Code by Order entered on July 18, 2019 [Dkt. 47]. The Debtor's Chapter 7 meeting of creditors was concluded on October 16, 2019. The deadline to object to exemptions is November 15, 2019.
2. The Trustee objects to Schedule C (most recently amended on 7/17/19 [Dkt. 44]) in that the Debtor lists "work tools" worth \$800 and claims an exemption in the amount of \$800 pursuant to N.C.G.S. § 1C-1601(a)(5). Local Bankruptcy Rule 4003-1(a)(1) governing exemption elections requires debtors to "specifically and individually list" "each item of property claimed" (except for clothing) and further provides that generic terms are not adequate descriptions of property. Upon information and belief, the Debtor "flips" and/or maintains rental property and the Trustee has asked the Debtor to itemize the "work tools" and the value of each, but the Debtor has not done so.
3. The Trustee requests that the Court order the Debtor to file an Amended Schedule C, itemizing the "work tools" and valuing each, to be filed no later than December 23, 2019 (within 14 days of the hearing on this Motion), and that the Debtor's exemption in the tools be limited to \$800.

WHEREFORE, the Trustee prays that the Court enter an Order (a) requiring the Debtor to file an Amended Schedule C as set forth above, (b) denying the Debtor's exemption in his "work tools" so that it is limited to \$800, and (c) granting such other and further relief as may be just and proper.

This the 14th day of November, 2019.



Heather W. Culp
N.C. Bar No. 30386
Trustee/Attorney for Trustee
Essex Richards, P.A.
1701 South Boulevard
Charlotte, NC 28203

Telephone: (704) 377-4300
Facsimile: (704) 372-1357
E-mail: hculp@essexrichards.com

CERTIFICATE OF SERVICE

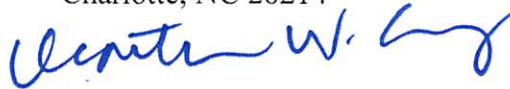
I hereby certify that on the 14th day of November, 2019, I electronically filed the foregoing **NOTICE OF HEARING ON TRUSTEE'S OBJECTION TO EXEMPTIONS AND MOTION FOR TURNOVER** with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the following parties:

Shelley K. Abel, U.S. Bankruptcy Administrator
Jeanne Ann Pennebaker Attorney for Debtor
Robert H. Pryor, Attorney for Marlene Jones
PRA Receivables Management, LLC
Pamela R. Keenan, Attorney for Ford Motor Credit Company

I further certify the foregoing was served on the following parties listed below by mailing a copy of the same in an envelope addressed to each party with proper postage attached and deposited in an official depository under the exclusive care and custody of the United States Postal Service on November 14, 2019.

Rodney Allen Pinckney
2101 A Avenue
Charlotte, NC 28216

Rodney Allen Pinckney
8525 Hammonds St.
Charlotte, NC 28214



Heather W. Culp
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